रजिस्ट्री सं० डी 221 REGISTERED No. D. 22

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 47] नई दिल्ली, शुक्रवार, दिसम्बर 10, 1965/अग्रहायण 19, 1887
No. 47] NEW DELHI, FRIDAY, DECEMBER 10, 1965/AGRAHAYANA 19, 1878

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 10th December, 1965/Agrahayana 19, 1887 (Saka)

The following Act of Parliament received the assent of the President on the 9th December, 1965, and is hereby published for general information:—

THE CARDAMOM ACT, 1965

No. 42 OF 1965

[9th December, 1965.]

An Act to provide for the development under the control of the Union of the cardamom industry

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Cardamom Act, 1965.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir except to the extent to which the provisions of this Act

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relate to the control of export of cardamom from India and import thereof into India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act.

Declaration as to expediency of control by the Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the cardamom industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Cardamom Board established under section 4;

(*b*) "cardamom" means the fruit of cardamom plant and includes green cardamom, bleached cardamom, bleachable white cardamom, sun-dried cardamom, cardamom seeds, powdered cardamom and oil extracted from cardamom;

(*c*) "cardamom plant" means the cardamom plant ELETTARIA CARDAMOMUM MATON and any other plant which the Board may, by notification in the Gazette of India, declare to be a cardamom plant for the purposes of this Act;

(*d*) "Chairman" means the Chairman of the Board;

(*e*) "dealer" means a dealer in cardamom;

(*f*) "Director" means the Director of Cardamom Development appointed under section 7;

(*g*) "estate" means an area administered as one unit which contains land planted with cardamom plants;

(*h*) "export" and "import" mean respectively taking out of or bringing into India by land, sea or air;

(*i*) "owner", in relation to any land planted with cardamom plants, includes—

(*i*) any agent of the owner; and

(*ii*) a mortgagee, lessee or other person in actual possession of the land;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "registered estate" means an estate in respect of which an owner is registered under sub-section (*1*) of section 11 and includes any estate in respect of which an owner is required to be registered under the provisions of that sub-section;

(*l*) "registered owner" means an owner of a registered estate, who has been, or is required to be, registered under sub-section (*1*) of section 11;

(*m*) "year" means the period of twelve months beginning with the 1st day of September and ending with the 31st day of August next following.

CHAPTER II

THE CARDAMOM BOARD

Establishment and constitution of the Board.

4. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act a Board to be called the Cardamom Board.

(*2*) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(*3*) The Board shall consist of the following members, namely:—

(*a*) a Chairman to be appointed by the Central Government;

(*b*) the Director of Cardamom Development, *ex officio;*

(*c*) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(*d*) three members to represent respectively the Ministries of the Central Government dealing with—

(*i*) commerce,

(*ii*) agriculture, and

(*iii*) finance;

(*e*) such number of other members not exceeding fifteen as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing—

(*i*) the Governments of the principal cardamom-growing States;

(*ii*) the cardamom-growing interests;

(*iii*) the cardamom trade interests;

(*iv*) the interests of labour;

(*v*) the consumers; and

(*vi*) such other persons or class of persons who, in the opinion of the Central Government, ought to be represented on the Board.

(4) The number of persons to be appointed as members from each of the categories specified in clause (*e*) of sub-section (3), the term of office of the members of the Board other than the member referred to in clause (*b*) of that sub-section, and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members of the Board shall be such as may be prescribed.

(5) Any officer of the Central Government, not being a member of the Board, when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

(6) The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers, and perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

Acts or proceedings of Board or its Committees not to be invalidated.

5. No act or proceeding of the Board or any Committee appointed by it under section 8, shall be invalidated merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the Board or such Committee, or

(*b*) any defect in the appointment of a person acting as a member of the Board or such Committee, or

(*c*) any irregularity in the procedure of the Board or such Committee not affecting the merits of the case.

Salary and allowances of Chairman.

6. The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

Executive officers of the Board and other staff.

7. (1) The Central Government shall appoint a Director of Cardamom Development to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Director and the Secretary shall be entitled to such salaries and allowances and be governed by such conditions of service regarding leave, pension, provident fund and other matters as may be fixed by the Central Government.

(4) Subject to such control and restrictions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may determine from time to time:

Provided that all officers and other employees of the Directorate of Cardamom Development and Marketing (other than the Director) who hold office as such immediately before the date referred to in sub-section (1) of section 4 shall be deemed to have been appointed as officers or employees of the Board with effect from that date and every such officer and employee shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, provident fund and other matters as he would have held the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are altered by the Board with the approval of the Central Government:

Provided further that if the alteration so made is not acceptable to any such officer or employee, his employment may be terminated by the Board in accordance with the terms of the contract, if any, with such officer or employee or, if there be no such contract, on payment to him by the Board of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

(5) The Chairman, the Director, the Secretary and other employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

Committees of the Board.

8. (1) The Board may appoint such Committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any Committee appointed under sub-section (1) such other number of persons who are not members of the Board, as it may think fit.

Functions of the Board.

9. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Central Government of the cardamom industry.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

(a) promoting co-operative efforts among growers of cardamom;

(b) ensuring remunerative returns to growers of cardamom;

(c) financial or other assistance for improved methods of cultivation and processing of cardamom, for replanting cardamom and for extension of cardamom growing areas;

(d) regulating the sale and export of cardamom and stabilisation of prices of cardamom;

(e) training in cardamom testing and fixing grade standards of cardamom;

(f) increasing the consumption in India and elsewhere of cardamom and carrying on propaganda for that purpose;

(g) registering and licensing of brokers (including auctioneers) of cardamom and persons engaged in the business of cardamom;

(h) improving the marketing of cardamom in India and elsewhere;

(*i*) collecting statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the cardamom industry; the publishing of statistics so collected or portions thereof or extracts therefrom;

(*j*) securing better working conditions and the provision and improvement of amenities and incentives for workers;

(*k*) undertaking, assisting or encouraging scientific, technological and economic research; and

(*l*) such other matters as may be prescribed.

(*3*) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

Dissolution of the Board.

10. (*1*) The Central Government may, by notification in the Official Gazette, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification.

(*2*) When the Board is dissolved under the provisions of sub-section (*1*),—

(*a*) all members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;

(*b*) all powers and duties of the Board shall during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;

(c) all funds and other property vested in the Board shall, during the period of dissolution, vest in the Central Government; and

(*d*) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

REGISTRATION OF OWNERS OF CARDAMOM ESTATES

Registration of owners of cardamom estates.

11. (*1*) Every owner of land planted with cardamom plants, whether such land is comprised in one estate or more than one estate, shall, before the expiration of one month from the date on which he first became owner of such estate or estates or before the expiration of three months from the date of coming into force of this section, whichever is later, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him:

Provided that the State Government may, for sufficient reason, extend the time-limit for registration by such period as it thinks fit.

(2) Registration once made shall continue to be in force until it is cancelled by the registering officer.

Power of State Government to make rules.

12. (1) The State Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of section 11.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Returns to be made by registered owners.

13. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) The Board may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Imposition of a cess on cardamom exported.

14. (1) There shall be levied on all cardamom which is exported, a cess for the purposes of this Act at such rate not exceeding two per cent. *ad valorem* as the Central Government may, by notification in the Official Gazette, fix.

(2) The cess levied under sub-section (1) shall be in addition to any cess or duty leviable on cardamom under any other law for the time being in force.

(3) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, including those relating to refunds and 52 of 1962

exemptions from duty, shall, as far as may be, apply in relation to the levy and collection of the cess leviable under sub-section (*1*) as they apply in relation to the levy and collection of a duty of customs under that Act or those rules and regulations.

Payment of proceeds of cess to the Board.

15. The proceeds of the cess levied under section 14 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Board, from time to time, from out of such proceeds, after deducting the expenses of collection, such sums of money as it may think fit for being utilised for the purposes of this Act.

Grants and loans by the Central Government.

16. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Central Government may consider necessary.

Constitution of the Fund.

17. (*1*) There shall be formed a Fund to be called the Cardamom Fund and there shall be credited thereto—

(*a*) the proceeds of the cess made over to the Board by the Central Government;

(*b*) all fees levied and collected in respect of licences issued under this Act;

(*c*) any other fee that may be levied and collected by the Board under this Act or the rules made thereunder;

(*d*) any grants or loans that may be made by the Central Government for the purposes of the Fund;

(*e*) any grants or loans that may be made by any institution for the purposes of this Act;

(*f*) all sums realised by the Board in carrying out the measures referred to in section 9.

(*2*) The Fund shall be applied—

(*a*) for meeting the salaries, allowances and other remuneration of the officers and other employees of the Board;

(*b*) for meeting the other administrative expenses of the Board;

(*c*) for meeting the cost of the measures referred to in section 9;

(*d*) for repayment of any loans from the Central Government or from any institution.

Borrowing powers of the Board.

18. Subject to such rules as may be made in this behalf, the Board shall have power to borrow on the security of the Cardamom Fund or any other asset for carrying out the purposes of this Act.

Accounts and audit.

19. (*1*) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Board shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(*4*) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

CHAPTER V

CONTROL BY CENTRAL GOVERNMENT

Power to control price and distribution of cardamom.

20. (*1*) The Central Government may, by order notified in the Official Gazette, fix in respect of cardamom of any description specified therein—

(*a*) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a grower of cardamom or cardamom dealer, wholesale or retail, whether for the Indian market or for export;

(*b*) the maximum quantity which may in one transaction be sold to any person.

(*2*) Without prejudice to the generality of the powers conferred by sub-section (*1*), any order made thereunder may provide—

(*a*) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, cardamom to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order;

(*b*) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, and the seizure by a person authorised to make such search, of cardamom in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed.

Power to prohibit or control imports and exports of cardamom.

21. (*1*) The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import or export of cardamom, either generally or in specified classes of cases.

(2) All goods to which any order under sub-section (*1*) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under section 11 of the Customs Act, 1962, and all the provisions of that Act shall have effect accordingly.

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(3) If any person contravenes any order made under sub-section (*1*), he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, as applied by sub-section (*2*), be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Directions by Government.

22. The Board shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

CHAPTER VI

MISCELLANEOUS

Penalty for making false returns.

23. Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

24. Any person who—

(*a*) obstructs any member authorised by the Chairman in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(*b*) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act,

shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of order relating to control of price, etc.

25. (*1*) If any person contravenes any order made under section 20, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(*2*) Any person who attempts to contravene, or abets the contravention of, any order under section 20 shall be deemed to have contravened that order.

Other penalties.

26. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made there

under other than the provisions, punishment for the contravention whereof has been provided for in sections 21, 23, 24 and 25, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

27. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Jurisdiction of court.

28. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Previous sanction of Central Government.

29. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceeding shall lie against the Government, or the Board or any Committee appointed by it, or any member of the Board or such Committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Power to delegate.

31. The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised, in such cases and subject to such conditions, if any, as may be specified in the order, by such officer or authority as may be specified therein.

Suspension of operation of Act.

32. (*1*) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers it necessary or expedient so to do in the public interest, the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent, either indefinitely or for such period as may be specified in the notification, the operation of all or any of the provisions of this Act.

(*2*) Where the operation of any provision of this Act has under sub-section (*1*) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

Power of Central Government to make rules.

33. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the number of persons to be appointed as members from each of the categories specified in clause (*e*) of sub-section (*3*) of section 4, the term of office and other conditions of service of the members of the Board and the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among such members;

(*b*) the circumstances in which, and the authority by which, a member of the Board may be removed;

(*c*) the procedure to be followed at meetings of the Board and Committees thereof for the conduct of business and the number of members which shall form a quorum at a meeting;

(*d*) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(*e*) the holding of a minimum number of meetings of the Board every year;

(*f*) the powers of the Board, its Chairman, the Director and Committees of the Board with respect to the incurring of expenditure;

(*g*) the conditions subject to which the Board may incur expenditure outside India;

(*h*) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(*i*) the form and the manner in which the accounts should be kept by the Board;

(*j*) the deposit of the funds of the Board in banks and the investment of such funds;

(*k*) the conditions subject to which the Board may borrow;

(*l*) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(*m*) the delegation to the Chairman or Director or members or officers of the Board of any of the powers and duties of the Board under this Act;

(*n*) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Board;

(*o*) the additional matters in respect of which the Board may undertake measures in the discharge of its functions;

(*p*) the travelling and other allowances of members of the Board and of Committees thereof;

(*q*) the remuneration and other allowances payable to the person or persons referred to in clause (*b*) of sub-section (*2*) of section 10;

(*r*) the maintenance of the registers and other records of the Board and its various Committees;

(*s*) the appointment by the Board of agents to discharge on its behalf any of its functions;

(*t*) the form of, and the particulars to be contained in, any returns or reports to be made to the Board under this Act;

(*u*) the form of and the manner of making application for licences issued by the Board, the fees payable for such application and the procedure to be followed in granting, and the conditions governing, such licences;

(*v*) the collection of any information or statistics in respect of cardamom;

(*w*) any other matter (other than a matter specified in section 12) which is to be or may be prescribed or provided for by rules under this Act.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

R. C. S. SARKAR,
Secy. to the Govt. of India.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1965.